

D.B. CIVIL WRIT PETITION (PIL) No.1549/2000
Uddipt Agarwal & Ors. Vs. State of Raj. & Ors.

Date of Order :: 29.1.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri R.A. Katta for the petitioners.
Shri G.S. Gill AAG for the State with
Shri Sohan Lal, Commissioner, Rajasthan Housing Board
present in person.
Shri Vimal Choudhary for respondent no.4.

This writ petition has been filed as a public interest litigation on behalf of the residents of Mansarovar Area of Jaipur City seeking direction to shift the Thadis (kiosks) presently running in the area providing alternative site to them. It is said that half of the shops are admittedly closed, but animal products and liquor are being sold in the rest which is polluting the entire area.

In the status report filed on 17.11.2006, it was stated that alternate site had been identified. When the matter came up for consideration on 17.11.2006, the Court observed that from the record it was not clear whether the site has been properly developed so that kiosks can be asked to shift, and within what time the shifting can be effected.

In order to expedite the matter, the Commissioner, Housing Board was directed to appear in person. Commissioner, Housing Board, Shri Sohan Lal, accordingly appeared and filed additional affidavit.

Therein it has been stated, among other things, that after negotiations it was decided to establish market at Sector 14, Shipra Path in Mansoravar where 414 shops are to be built. The proposal was approved and tender notice was issued. Tender has since been approved in favour of M/s Narayan Kumawat. The terms of the contract are expected to be finalised in course of the day and construction will be completed within one year. It is stated that the contract will be time bound and the entire work will be completed within one year.

Counsel for the appellants, Shri R.A. Katta submitted that the matter has remained pending for six years and the authorities should have taken necessary steps much earlier. He submitted that shorter time limit may be fixed to complete the work.

From the tender notice (NIT) it appears that the duration of the work was mentioned as 12 months. In that view of the matter, perhaps it may not be possible for the Housing Board to insist on construction/completion of the work within lesser period. However, we ask the Housing Board to impress upon the contractor to expedite the construction so as to complete it by October, 2007, that is, before the Diwali festival.

It goes without saying that no sooner than the work is over and shops are constructed, shifting of the thadis (kiosks) from the present site will be effected after allotment to the individual thadi (kiosk) owners.

With these observations and directions, the petition is disposed of.

[MOHAMMAD RAFIQ], J.

[S.N.JHA], CJ.

Skant/-